

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENGAMIN RAY YELLOW OWL,

Defendant.

CR-17-32-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 24, 2024. (Doc. 53.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 23, 2024. (Doc. 49.) The United States accused Bengamin Yellow Owl (Yellow Owl) of

violating his conditions of supervised release by: (1) using methamphetamine on or about June 21, 2024; (2) failing to comply with substance abuse treatment requirements on August 14, 2024; (3) failing to report for sex offender treatment on August 14, 2024; (4) failing to answer truthfully questions by his probation officer regarding his sobriety by providing a fake urine sample on August 14, 2024; (5) using methamphetamine on August 13, 2024; (6) failing to comply with substance abuse testing on August 21, 2024; and (7) failing to report for sex offender treatment on August 21, 2024. (Doc. 46.)

At the revocation hearings Yellow Owl admitted to having violated the conditions of his supervised release by: (1) using methamphetamine on or about June 21, 2024; (2) failing to comply with substance abuse treatment requirements on August 14, 2024; (3) failing to report for sex offender treatment on August 14, 2024; (4) failing to answer truthfully questions by his probation officer regarding his sobriety by providing fake urine sample on August 14, 2024; (5) using methamphetamine on August 13, 2024; (6) failing to comply with substance abuse testing on August 21, 2024; and (7) failing to report for sex offender treatment on August 21, 2024. Yellow Owl's violations are serious and warrant revocation of his supervised release (Doc. 49.)

Judge Johnston found that the violations Yellow Owl admitted prove serious and warrants revocation of his supervised release and recommends a sentence of 3 months on Count 2, with 57 months of supervised release to follow and to a term of 3 months on County 3, with 57 months of supervised release to follow, with both the custodial and supervised release terms to run concurrently. During the first sixty (60) days of Yellow Owl's supervised release, he shall be placed in a secure in-patient drug treatment facility such as Connections Corrections. (Doc. 53.) Yellow Owl was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 49.)

The violations prove serious and warrants revocation of Yellow Owl's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 53.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Bengamin Ray Yellow Owl be sentenced to a term of custody of 3 months on Count 2, with 57 months of supervised release to follow and to a term of 3 months on Count 3, with 57 months of supervised release to follow, with both the custodial and supervised release terms to run concurrently. During the first sixty (60) days of Yellow Owl's supervised release, he shall be placed in a secure in-patient drug treatment facility such as Connections Corrections.

DATED this 9th day of October, 2024.



Brian Morris, Chief District Judge
United States District Court